

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

No. 06-CR-172-LTS-2

FNU LNU a/k/a CRUZ MANUEL RAMOS,

Defendant.

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ORDER

The Court has received and reviewed two letter motions submitted by pro se Petitioner Mr. Cruz Manuel Ramos aka FNU LNU, dated February 25, 2022, and March 17, 2022. (Docket entry nos. 352 and 353.) Petitioner was resentenced by this Court on January 26, 2021, to a total of 240 months of imprisonment and 8 years of supervised release, in connection with his convictions for Conspiracy to Commit Hobbs Act Robberies (in violation of 18 U.S.C. section 1951), Attempted Armed Robbery (in violation of 18 U.S.C. section 1951), Conspiracy to Distribute and Possess with Intent to Distribute Cocaine (in violation of 21 U.S.C. section 836), and two counts of Possession with Intent to Distribute Heroin (in violation of 21 U.S.C. sections 812, 841(a)(1), and 841(b)(1)(C)). (Docket entry no. 341.)

Petitioner's first motion is a Motion Requesting Judicial Review, in which he asserts that the sentence he received at his 2021 resentencing was erroneous because his criminal history points were miscalculated. He accordingly requests that the Probation Department correct these calculations and that he be awarded a new resentencing. This is the fifth time that Petitioner has sought such relief with the Court—he has filed four previous motions asserting that his criminal history points were miscalculated. (See docket entries no. 280, 290, 309, and

348.) As explained in the Court’s previous orders, dated May 16, 2016, January 18, 2017, May 21, 2019, and December 7, 2021, Petitioner was not eligible for the requested sentence reduction because the sentence which he received was lower than the minimum sentence under the then-applicable Sentencing Guidelines. (See docket entries no. 281, 291, 310, and 348.) This remains true today—though Petitioner was resentenced in January 2021, his new sentence of 240 months likewise falls below the new Sentencing Guidelines range that was applicable at the time of his resentencing (i.e., 262 to 327 months). (See docket entry no. 344, Resentencing Tr., at 27.) Petitioner’s Motion for Judicial Review is accordingly denied.

The second motion that Petitioner has submitted is a Motion for Compassionate Release under 18 USC § 3582(c)(1)(A). Petitioner requests compassionate release because of his medical conditions (which include chronic back pain, vitamin D deficiency, and high BMI); because he is not a danger to the community; and because of his unique family and home situation (including an elderly relative and a minor daughter who need his support). (Docket entry no. 353, at 32-35.) Petitioner’s application for compassionate release is denied without prejudice in light of his failure to apply in the first instance to the warden of his facility and pursue exhaustion of Bureau of Prisons administrative remedies, until either the exhaustion of those remedies or 30 days from the date on which he made his application to the warden. See 18 USC § 3582(c)(1)(A) (stating that compassionate release may be granted “after the defendant has fully exhausted all administrative rights”).

This order resolves docket entry numbers 352 and 353. A copy of this Order will be mailed to Petitioner by Chambers.

SO ORDERED.

Dated: New York, New York
March 22, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

Copy to be mailed to:

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